

CITY COUNCIL AGENDA

APRIL 30, 2013

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 4)**
IndepenDance, an art-based dance class at Independence High School, presented a dance performance for the Invocation.
- **Pledge of Allegiance**
Mayor Reed accompanied by Third Graders, Payne Elementary School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 5.2 deferred to May 7, 2013.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the month of May as Older American's Month in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized the month of May as "Older American's Month" in San José.
- 1.2 Presentation of a proclamation declaring April 30, 2013 as "Día de los Niños" in the City of San José. (Campos/Liccardo)
(Rules Committee referral 4/24/13)
Mayor Reed and Council Members Campos and Liccardo recognized April 30, 2013 as "Día de los Niños" in the City of San José.
- 1.3 Presentation of a commendation to Ángel Alejandro Antonio Martinez for his excellent academic record and designation as "Consul for a Day" as part of the Día de los Niños celebration. (Campos/Liccardo)
(Rules Committee referral 4/24/13)
Mayor Reed and Council Members Campos and Liccardo recognized and commended Ángel Alejandro Antonio Martinez for his excellent academic record and designation as "Consul for a Day" as part of the Día de los Niños celebration.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29243 – Amending the San José Municipal Code to amend Section 15.10.290 of Chapter 15.10 of Title 15, Chapter 15.11 of Title 15 in its entirety, and Section 20.100.440 of Chapter 20.100 of Title 20, all to modify the water efficient landscape standards for new and rehabilitated landscaping and to establish water efficient landscape regulations pursuant to state law.

Ordinance No. 29243 adopted.

- (b) ORD. NO. 29244 – Rezoning certain real property situated between Race Street and Grand Avenue, approximately 300 feet southerly of Park Avenue, from the CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District. PDC11-005

Ordinance No. 29244 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of March 6, 2013. (Mayor)
- (b) Rules and Open Government Committee Report of March 13, 2013. (Mayor)
- (c) Rules and Open Government Committee Report of March 20, 2013. (Mayor)
- (d) Rules and Open Government Committee Report of March 27, 2013. (Mayor)
- (e) Transportation and Environment Committee Report of April 8, 2013. (Liccardo)

Approved.

- (f) Neighborhood Services and Education Committee Report of April 11, 2013. (Nguyen)
The Neighborhood Services and Education Committee Report was approved. The supplemental memorandum from Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated April 29, 2013, was approved, accepting the actions from a special meeting of the Senior Citizens Committee held to allow the Commission the opportunity to review and provide input to the Senior Services Program Report. Based on their review and the following actions:

- (1) **The Senior Citizens Commission will form a special Ad Hoc Committee to write a survey to assess the satisfaction and quality level of the Senior Nutrition Program at the current 14 City of San José sites in order to provide suggested improvements to the Mayor and City Council. The survey will be conducted by the liaisons to the various centers. The completion date for the task will be no later than December 2013.**
- (2) **The Senior Citizens Commission recommended revising the order of delivery of senior nutrition meals so that the routes are alternated to ensure equity among catered sites.**

Parks, Recreation and Neighborhood Services Staff will monitor the above items and engage Commission members in further discussion.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Mayor Reed presented details of his trip to New York City, New York on April 18 through April 19, 2013 to participate in the “National Dialogue on Underfunded Pensions” on the State and local levels.

Council Member Campos attended the League of California Cities’ Latino Caucus Executive Board in Long Beach, CA on April 18 through April 21, 2013, to discuss goals and strategies affecting the State as it concerns the local cities.

(Item continued on the next page)

2. CONSENT CALENDAR

2.5 City Council Travel Reports. (Cont'd.)

Council Member Herrera traveled to Sacramento on April 24, 2013 to attend the conference for the League of California Cities' Legislative Action Day and topics, i.e. stressed the importance of not further impacting California cities' abilities to deliver services to its communities and focused on the Enterprise Zone. Council Member Herrera also attended the Women's Caucus events.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Constant provided a brief update on the Federated Retirement Board.

2.7 Sale of City-Owned Property on Greenlee Drive.

Recommendation: Adopt a resolution:

- (a) Declaring the 7,260 square foot (0.167 acres) City-owned property on Greenlee Drive, APN: 303-28-067 surplus to the needs of the City.
- (b) Authorizing an alternative competitive process for the sale of said property.
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed, and all other documents necessary to complete the sale of said property to Burkette Drive, LLC for the amount of \$60,000.

CEQA: Exempt, File No. PP13-006. (Economic Development)

Resolution No. 76614 adopted.

2.8 Agreement with Duke's Root Control, Inc. for Sanitary Sewer Lines.

Recommendation: Authorize the City Manager to:

- (a) Execute a Purchase Order with the highest scoring proposer, Duke's Root Control Inc. (Syracuse, New York), in the total amount not-to-exceed \$371,850 for the initial twelve month term, for the chemical root treatment of sanitary sewer lines.
- (b) Approve a 10% contingency for a not-to-exceed amount of \$37,185 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.
- (c) Exercise three one-year options to extend the term through April 30, 2017, subject to the annual appropriation of funds.

CEQA: Exempt, File No. PP12-097. (Finance)

Approved.

2. CONSENT CALENDAR

2.9 Agreement with E-Merging Technologies Group, Inc. for Polygraph Examination.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with E-Merging Technologies Group, Inc. related to providing polygraph examination to the San José Police Department for the period of May 1, 2013 to June 30, 2014 in an amount not to exceed \$158,121.
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$815,540.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Police)

Resolution No. 76615 adopted.

Staff was directed to be prepared to discuss the continued use of polygraphs and the requirements of the “POST” process during the Police Budget Study Sessions in May 2013.

Noes: Liccardo.

2.10 Council Member Chu’s Travel to Sacramento, CA.

Recommendation: Approve travel by Council Member Chu to Sacramento, CA on April 24 – 25, 2013 to attend the League of California Cities’ Legislative Action Day and Board of Director’s Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)
(Rules Committee referral 4/24/13)

Approved.

2.11 Council Member Chu’s Travel to Sacramento, CA.

Recommendation: Approve travel by Council Member Chu to Sacramento, CA on May 22, 2013 to participate in the Annual Silicon Valley Leadership group CEO Sacramento Advocacy Trip. Source of Funds: District 4 Funds. (Chu)
(Rules Committee referral 4/24/13)

Approved.

2.12 Mayor Reed’s Travel to New York City, NY.

Recommendation: Approve travel by Mayor Reed to New York City, NY on April 18-19, 2013 to attend the “National Dialogue on Underfunded Pensions.” Source of Funds: Mayor’s Office Budget. (Mayor)
(Rules Committee referral 4/24/13)

Approved.

2.13 AB 403 (Stone and Eggman) – Solid Waste: Home Generated Sharps.

Recommendation: As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 403 (Stone and Eggman) – Solid Waste: Home Generated Sharps. (Environmental Services)
[Rules Committee referral 4/24/13 – G(2)]

Position of Support Approved.

2. CONSENT CALENDAR

2.14 AB 488 (Williams) – Recycling: Household Batteries.

Recommendation: As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 488 (Williams) – Recycling: Household Batteries. (Environmental Services)
[Rules Committee referral 4/24/13 – G(3)]

Position of Support Approved.

2.15 SB 727 (Jackson) – Solid Medical Waste: Pharmaceutical Product Stewardship Program.

Recommendation: As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for SB 727 (Jackson) – Solid Medical Waste: Pharmaceutical Product Stewardship Program. (Environmental Services)
[Rules Committee referral 4/24/13 – G(4)]

Position of Support Approved.

2.16 AB 998 (Fong and Atkins) – Homelessness: Interagency Council on Homelessness.

Recommendation: As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 998 (Fong and Atkins) – Homelessness: Interagency Council on Homelessness. (Housing)
[Rules Committee referral 4/24/13 – G(5)]

Position of Support Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone reported that the FY 2013-2014 Budget will be released on May 1, 2013. City Manager Debra Figone pointed out that during the month of May community meetings will be held in every Council District to inform residents about the City's fiscal situation and potential budget impacts and for the residents to provide budget input directly to City leaders.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
No Report.

The memorandum from Council Member Rocha, dated April 29, 2013, recommending that Council adopt the following: offer all bargaining units the option of at least a 2% compensation increase across all steps, was heard during Closed Session.

3. STRATEGIC SUPPORT SERVICES

3.3 Memorandum of Understanding with the California State Employment Development Department ES202 Industry and Employment Data.

Recommendation: Adopt a resolution:

- (a) Authorizing the City's Office of Economic Development to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan.
- (b) Authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding with the California State Employment Development Department to examine ES202 industry and employment data for the City of San José for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Economic Development)

Resolution No. 76616 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Municipal Code and Council Policy Revisions for Streamlining Real Estate Processes – Surplus Sales.

Recommendation:

- (a) Approve an ordinance amending Section 4.04.010 and Section 4.04.020 of Chapter 4.04 of Title 4, and Chapter 4.20 of Title 4 of the San José Municipal Code as follows:
 - (1) Make certain clarifications to: (i) the scope of existing contract authority granted to the City Manager; (ii) the conditions under which the City may conduct competitive sales of surplus real estate; and (iii) the compensation that may be paid to real estate brokers in connection with the sale of surplus real estate.
 - (2) Delegate authority to the City Manager to declare surplus and sell through competitive processes any real estate with a market value less than \$500,000 which is not independently developable.
 - (3) Delegate authority to the City Manager to approve administrative processes governing the procedures by which real estate is determined to be surplus.
 - (4) Expand authority of the City Council to sell surplus real estate through direct negotiation and at less than market value.

Ordinance No. 29245 passed for publication.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Municipal Code and Council Policy Revisions for Streamlining Real Estate Processes – Surplus Sales. (Cont’d.)

Recommendation:

- (b) Adopt a resolution:
 - (1) Repealing Council Resolution No. 74359 “Approving Recommendations for the Outreach and City Process for Sales of Surplus Properties”, thereby allowing the procedures by which real estate is determined surplus to be governed by City Manager approved administrative processes.
 - (2) Amending City Council Policy 7-6 “Sales Commissions, Real Estate” in relation to the amount and conditions under which brokers may be paid in connection with the sale of surplus real estate.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (Economic Development)

Resolution No. 76617 adopted.

Staff directed to add specific language on the public hearing notice and stating a phone number for a resident to call, to determine if there are concerns or a different way of being heard publicly.

4.2 Public Hearing and Approval of the 2013-2014 Annual Action Plan.

Recommendation:

- (a) Hold a final Public Hearing regarding the approval of the City’s 2013-2014 Annual Action Plan and take public comment.

The Public Hearing was Held.

- (b) Adopt the 2013-2014 Annual Action Plan, including the FY 2013-2014 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

2013-2014 Annual Action Plan Adopted.

- (c) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City.

Resolution No. 76618 adopted.

- (d) Authorize the Housing Department to submit the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Ordinance Amending the City's Sign Ordinance.

Recommendation: Conduct a Public Hearing and consider an ordinance amending Title 23 of the San José Municipal Code (the Sign Ordinance) as follows:

The Public Hearing was Held.

- (a) Amending Chapter 23.02, Part 1, Definition, to add Sections 23.02.155 Entryway Sign, 23.02.385 Pedestrian Wayfinding Sign, 23.02.424 Public Entryway, Public Entryway Width.
- (b) Amending various Sections of Chapter 23.02, Part 2, General Provisions, including revising Section 23.02.920 Signs That Do Not Reduce Allowable Signage, adding Section 23.02.1045 Pedestrian Wayfinding Signs as signs that do not reduce signage otherwise allowable Under Title 23.
- (c) Amending various Sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI Commercial and Industrial Zoning Districts and Neighborhood Business Districts, including amending Section 23.04.020, Attached Signs, to allow additional Attached Signs for large buildings located with a Shopping Center Site, to specify the maximum size of these additional signs for large buildings located within a Shopping Center Site, and for certain other large buildings, and to add Entryway Signs as a new type of Attached Sign allowable on large buildings located within a Shopping Center Site.
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP10-111, and addendum thereto, File No PP13-033. (Planning, Building and Code Enforcement)

The memorandum from Mayor Reed and Council Members Constant, Khamis, Oliverio and Herrera, dated April 25, 2013, was approved:

- (1) **Approving the proposed ordinance amending Title 23 (The Sign Code) including Policy Alternative #1, Entryway Signs, with a slight modification to allow up to one hundred and eighty (180) square feet of sign area.**
- (2) **Staff was directed to return to Council August 2013 with an additional amendment that allows for one "Attached Shopping Center Identification Sign" for shopping centers in which a building is located at the corner of a site, adjacent to two city connectors or main streets such that:**
 - (a) **A double sided sign shall be allowed so that it is visible from both streets.**
 - (b) **The area of the sign shall not exceed 200 square feet.**
 - (c) **The sign shall not exceed more than 40 feet in height above grade.**

Ordinance No. 29246 passed for publication, as amended.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Actions Related to the San José Environmental Innovation Center Project.

Recommendation:

- (a) Approve amendments to the following master consultant agreements for the purpose of providing services for the San José Environmental Innovation Center Project:
 - (1) A fifth amendment to the master agreement with Group 4 Architecture, Research + Planning, increasing compensation by \$210,000 for a total amount not to exceed \$3,285,000, and extending the term from June 30, 2013 to March 31, 2014.
 - (2) A first amendment to the master agreement for consultant services with Gilbane Building Company, increasing compensation by \$155,000 for a total amount not to exceed \$405,000, and extending the term from December 31, 2013 to March 31, 2014.
- (b) Approve an increase to the construction contingency by \$865,000 to pay for additional project costs provided that \$325,000 of the increase is subject to appropriation of funds in FY2013-14.

Approved.

Noes: Oliverio.

- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute the following change orders:
 - (1) One or more change orders extending the project completion date for a total of more than 180 days beyond the original contract completion of December 20, 2012.
 - (2) A change order resolving delay claims, including any related to the remediation of asbestos and lead-containing paint in the warehouse portion of the project, not to exceed the total amount of the construction contingency less amounts that the Director estimates are needed to pay for other costs associated with completing the project.

CEQA: Negative Declaration, File No. PP09-138. Council District 3. (Public Works)

Resolution No. 76619 adopted.

The memorandum from Mayor Reed, dated April 29, 2013, was approved, approving the recommendations as outlined in the April 17, 2013 Staff Report with the following direction:

- (1) **Return to council on August 13, 2013 with a detailed project status update showing steps taken to expedite the construction phase and complete the project by December 2013.**
- (2) **Consider the feasibility of completing the construction of the new 10,000 square foot building to house the hazardous waste facility ahead of the rest of the project.**
- (3) **Identify cost saving measures as feasible from sources such as:**
 - (a) **FF& E budget.**
 - (b) **City matching funds for the PV project.**
 - (c) **Consulting services for construction and planning for operations.**

Noes: Oliverio.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Federal Lands Access Program Grant for Bay Trail Project.

Recommendation: Adopt a resolution authorizing the City Manager or designee to:

- (a) Submit a preliminary grant application and related documents to the Federal Highway Administration for grant funds of \$12,267,398 as part of the Federal Lands Access Program grant program with a local match of \$1,589,371 for the Bay Trail Reaches 7A, 9 and 9B (Alviso Marina to Hwy 237 Bikeway) project.
- (b) Certify in the grant application that if the City is awarded the grant the City will have sufficient funding to maintain the completed trail for a period of at least 20 years.

CEQA: Mitigated Negative Declaration, File No. PP01-150. Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 76620 adopted.

5.2 Actions Related to Adjustment to Parkland Fees

Recommendation: Conduct a Public Hearing and adopt a resolution to be effective August 1, 2013 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study.
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service zones.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges.

(Parks, Recreation and Neighborhood Services)

(Deferred from 4/23/13 – Item 5.1)

Deferred to May 7, 2013 per Orders of the Day.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Agreement with the Clear Channel Airport Advertising Concession.

Recommendation: Adopt a resolution authorizing the City Manager to exercise the City’s option to extend the Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports on the same terms and conditions for three years from July 1, 2014 through June 30, 2017. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

Deferred to June 4, 2013 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José/Santa Clara Water Pollution Control Plan Capital Improvement Program Capital Improvement Program Semiannual Status Report, July – December 2012.

Recommendation: As recommended by the Transportation and Environment Committee on April 8, 2013, accept the Semiannual Status Report on the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program for the period July through December 2012. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Annual Reports. (Environmental Services)

[Transportation and Environment Committee referral 4/18/13 – Item D(4)]

Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Actions Related to Commercial Solid Waste and Recyclables Collection Franchise for Non-Exclusive Collection and Transport of Residential Clean-Out Material and Construction and Demolition Debris.

Recommendation:

- (a) Conduct a Public Hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris.

The Public Hearing was Held.

- (b) Approve the ordinances granting the franchises.
Ordinance No. 29247 passed for publication.
Ordinance No. 29248 passed for publication.
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from June 1, 2013 to June 30, 2014 with the option of three one-year extensions:
 - (1) American Debris Box Services, Inc. dba American Portables.
 - (2) Best Deal Transport LLC.

CEQA: Categorically Exempt, File No. PP08-228. (Environmental Services)

Approved.

8. PUBLIC SAFETY SERVICES

8.1 2012 Independent Police Auditor Year End Report.

Recommendation: Accept the 2012 Independent Police Auditor Year End Report.
(Independent Police Auditor)

Accepted.

The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Constant, dated April 26, 2013, was approved, with the City Manager directed to determine the cost and be prepared to discuss the following in the Police Department Budget Study Session:

- (1) What steps would be necessary to get more officers to participate in the Bilingual Pay Program at higher proficiency levels?**
- (2) What steps would be necessary to ensure that bilingual officers are engaged when protective custody decisions are made?**
- (3) Analyze why Internal Affairs was able to improve the completion rates of complaints in 2012 versus 2011.**
- (4) It is in the best interest of the public and the officers involved to complete investigations in a timely manner. What changes would be necessary to ensure the department completes all investigations within 300 days?**

8.2 San José Police Department Internal Affairs Department Initiated Investigation Report.

Recommendation: Accept the San José Police Department's Internal Affairs Unit (IA) report on Department Initiated Investigations for CY 2012. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Police)

Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
There was no public testimony.
- **Adjournment**
The Council of the City of San José was adjourned at 5:17 p.m.

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, APRIL 30, 2013

CHAMBERS

***ALL FINANCING AUTHORITY ITEMS DEFERRED TO MAY 7, 2013 PER
ADMINISTRATION***

- 1. Call to Order and Roll Call**
- 2. City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B.**

Recommendation:

- (a) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project):
 - (1) Adopt a resolution of the City Council:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project) (the “Civic Center Refunding Bonds”) in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.
 - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.
 - (2) Adopt a resolution of the City of San José Financing Authority Board:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Civic Center Refunding Bonds in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.
 - (b) Authorizing the Authority’s Executive Director, Treasurer, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.

JOINT FINANCING AUTHORITY AGENDA

2. City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B. (Cont'd.)

Recommendation:

- (b) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project):
 - (1) Adopt a resolution of the City Council:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project) (the “Garage Refunding Bonds”) in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.
 - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.
 - (2) Adopt a resolution of the City of San José Financing Authority Board:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Garage Refunding Bonds in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.
 - (b) Authorizing the Authority’s Executive Director, Treasurer or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance)

Deferred to May 7, 2013 per Administration.

3. Bond Counsel and Disclosure Counsel Services Agreement for City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, a Professional Law Corporation, for bond and disclosure counsel services in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B in an amount not to exceed \$307,500. CEQA: Not a Project; PP10-066(e), services that involve no physical changes to the environment. (City Attorney's Office)

Deferred to May 7, 2013 per Administration.

4. Open Forum

5. Adjourn the San José Financing Authority.